

California Accidental Release Prevention (CalARP) Program

State Specific Requirements for Risk Management Plans

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What is CalARP?

- CalARP is a California program.
(California Health and Safety Code (H&S), chapter 6.95)
- CalARP is a risk management program that contains all of the elements of Federal Part 68, plus some state-specific requirements.
- CalARP is implemented by Administering Agencies, usually CUPAs.
(California Code of Regulations, Title 19, (T19) section 2735.3(a))

The Administering Agency

The Administering Agency (AA) plays a **major** role in the CalARP Program.

Administering Agencies

How do I find out who my AA is?

- <http://www.calepa.ca.gov/CUPA/Directory/default.aspx>
- <http://www.calcupa.net/services/directory/search.asp>

Coordination is Required

The owner or operator of a stationary source **shall** closely coordinate with the AA to implement the CalARP Program and to determine the appropriate level of documentation required for the RMP.

(T19 2735.5(a))

Technical Assistance

- The owner or operator must coordinate with the AA to ensure that appropriate technical standards are applied.
- The owner or operator shall ask the AA for assistance in complying with CalARP or with safety issues with unfamiliar processes.

(T19 2785.1)

Inspections

The AA is required to inspect every CalARP stationary source at least once every three years.

(T19, 2775.3)

Enforcement

The AA has the authority to take enforcement action against stationary sources that violate provisions of the CalARP Program.

(T19 2775.4)

Access for Audits

For audit purposes, the Health and Safety Code, section 25534.5, gives the AA access to stationary sources, supporting documentation, and any area where an accidental release could occur.

(T19, 2775.2(d))

Risk Management Plans

- The AA gets a copy of any RMP submitted to US EPA.

(T19 2745.1(c))

- The AA gets a copy of RMP's submitted under the CalARP Program only.

(T19, 2745.1(d) and (e))

- Upon request, the AA will supply RMP information to the California Emergency Management Agency (OES).

(T19 2745.1(j))

State vs Federal RMPs

- ALL RMPs from California stationary sources submitted to AAs must contain all state-specific requirements.

(T19, 2745.1(a))

- State-specific information should not be submitted to US EPA.

(T19, 2745.1(f))

- Yes, the copy of the RMP sent to US EPA differs from the copy sent to the AA.

The RMP Review Process

(T19 2745.2)

- Stationary source must consult with the AA to determine the appropriate level of detail.
- Initial public notice.
- Deficiency notice.
- Formal public review.
- Evaluation review.
- Public access.

Program 2 Prevention Program

- The stationary source must consult with the AA to determine suitable hazard review methodology.
(T19 2755.2(b))
- Checklists must be acceptable to the AA.
(T19 2755.2(c))
- The hazard review must consider external events, including seismic events.
(T19 2745.6(i) and 2755.2(d))

Program 3 Prevention Program

- The stationary source must consult with the AA to decide what Process Hazard Analysis (PHA) methodology is appropriate.
(T19 2760.2(b))
- The PHA must take external events into account, including seismic activity.
(T19 2745.7(q) and 2760.2(c)(8))

The Infamous Table 3

- It is found in California Code of Regulations, Title 19, section 2770.5.
- It contains 275 TOXIC chemicals and threshold values.
- No flammable chemicals.
- 71 of these chemicals are also found in Table 1.

Preliminary Risk Determination

- Tables 1 and 2 – if there is a threshold quantity of a regulated substance in a process, the stationary source is subject to CalARP.
- Table 3 – If there is a threshold quantity of a regulated substance in a process, the AA shall make a preliminary determination of accident risk.

(H&S Code, 25534(a))

Risk Factors

- Quantity of the regulated chemical.
- Nature of the regulated chemical (toxicity, flammability, density, reactivity, etc.).
- Potential public receptors affected.
- Environmental receptors.
- Safety record of the facility.
- Safety record of the industry.

No Risk?

If the AA determines that there is no significant risk, it can:

- Exempt the stationary source from the requirements of the CalARP Program.
- Require an RMP anyway.
- Require an RMP, but at a lower program level than would normally apply.

(H&S Code, 25534(b)(2))

RISK!!!

- If the AA determines that the risk of a regulated substance release is significant, an RMP will be required.
- The AA may also reclassify the program level upward (i.e. Level 2 to Level 3).

(H&S Code, 25534(b)(1))

As long as the stationary source meets the criteria in T19 2735.4(c), it cannot be reclassified from Level 1 to Level 2 or 3.

Dispute Resolution

- The AA shall establish procedures to resolve disputes that arise between the stationary source and the AA.
- The AA has 120 days to resolve the dispute and render a written decision.
- The owner or operator of the stationary source may appeal this decision to the California Emergency Management Agency (OES).

(T19, 2780.1)

Other State Differences

There are a number of other differences between the state and federal programs. For a complete list of all of them, please refer to the "California Accidental Release Prevention (CalARP) Program Administering Agency Guidance", Appendix C, pages 105-6.

For More Information

- Call your Administering Agency.
- Call the CalEMA (OES) Hazardous Materials Unit at (916) 845-8741.
- Visit the Governor's Office of Emergency Service's Website: <http://www.oes.ca.gov/>
- Call or e-mail Jack Harrah, (916) 845-8759, jack_harrah@oes.ca.gov.
